IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 1086 OF 2005.

Shri V.B. Nanaware ... Petitioner.

V/s.

Narayan S. Mane ... Respondents.

Shri K.K. Tated for the petitioner.

Shri Anil Sale for the respondents.

CORAM : V.C.DAGA, J.

DATED : 17.11.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. Both the Courts below have recorded concurrent findings against the petitioner. The decree for eviction is based on appreciation of evidence. It can be supported by the legal evidence available on record. This Court, not being a Court of appeal, is not expected to reappreciate the said evidence unless appreciation is perverse.

2. I have gone through the evidence, the finding recorded by both the Courts below and the documents available on record. Having examined the same, it is difficult to reach to the conclusion that the impugned order is perverse.

3. In the above view of the matter, no case is made out to interfere with the impugned order. Petition is, therefore dismissed in limine with no order as to costs.

3. At this stage, learned Counsel appearing for the petitioner sought one year's time to vacate the suit premises. Learned Counsel for the respondent fairly stated that he did not have any objection for grant of time subject to petitioner filing usual undertaking, which petitioner agrees to file within two weeks from today. Time to vacate as prayed is granted subject to furnishing usual undertaking within 2 weeks from today. It is made clear that failure on the part of the petitioner to file usual undertaking of all major persons occupying the premises during stipulated period,it would be open for the respondent to execute the decree in accordance with law.

(V.C.DAGA,J.)